

Charles
BALL
for Congress

MADE IN
FEDERAL JUDICIAL
COMMISSION
OF THE DISTRICT OF COLUMBIA

SEP 30 3 10 PM '98

September 28, 1998

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR 4809

Dear Mr. Turley:

I write in response to the California Democratic Party's (CDP) September 4, 1998 complaint against Ball for Congress (BFC). If nothing else, this complaint makes the case for imposing Rule 11-type sanctions against those who bring frivolous allegations that waste Commission time and taxpayers' resources. And this complaint does nothing else.

The CDP first takes issue with a disclosure report BFC filed on July 15, 1998. The CDP does not challenge the accuracy of the information in BFC's report. Nor does the CDP challenge the timeliness of BFC's filing. Rather, the CDP seeks a Commission investigation and audit because this Committee provided too much accurate information to the public too soon! The CDP's unusual concern -- the public was told too much -- is political rather than legal, and rather illogical. Regardless, this Committee has already filed an amended mid-year report with the Commission that covers only the dates in question.

As for CDP's second, contradictory allegation -- BFC announced its candidacy too little, too late -- it too lacks merit. The Federal Election Campaign Act does not require a candidate to file a Statement of Candidacy after crossing the \$5,000 threshold when that candidate is merely "testing the waters." According to the Commission's *Campaign Guide for Congressional Candidates and Committees*, a candidate testing the waters can raise funds reasonably needed to test the waters. BFC's receipt of \$13,250 to test the waters was entirely reasonable and consistent with prior Commission guidance.

One would have thought that the CDP would have consulted the filings of Democrats before lashing out against BFC so recklessly. Even the most cursory review would have revealed that Ellen Tauscher -- the CDP's own candidate in this district -- raised more than \$5,000 for the 1998 elections (\$10,385 to be precise) by December 5, 1996, but failed to file her own 1998 Statement of Candidacy until April 7, 1997! Perhaps CDP would not have attacked BFC for waiting 50 days to file Form 2 (while lawfully testing the waters) if it had known that its own candidate -- a sitting Congresswoman who was clearly not testing the waters -- filed this Form 123 days late.

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The CDP has had the information necessary to complain about BFC's Form 1 and Form 2 filings for over six months now. Its failure to object until now clearly demonstrates bad faith and political motivation, attempting to sling mud in the weeks immediately preceding the election.

Because the one unanswered allegation – inadvertent delay in filing Form 1 – was cured by BFC many months ago, the Commission should dismiss this baseless complaint. BFC further suggests that the Commission ask Congress to authorize Rule 11-type sanctions to deter such frivolous complaints in the future.

Thank you for your attention to this matter. Please do not hesitate to contact BFC if we can provide further information

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas Schweickert".

Thomas Schweickert, Treasurer
Charles Ball for Congress